

Appl. No. 09/926,758
Amdt. Dated June 1, 2004
Reply to Office Action of April 21, 2004

REMARKS

Claims 3 and 5-9 remain in this application. Claims 1, 2, 4 and 10 have been canceled.

Reconsideration of the subject patent application and allowance of all of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

Specification

The disclosure is objected to because it refers to claim 4, which is not currently pending in the application. As suggested by the Examiner, the reference to this claim has been deleted. The amendments to the specification contain no new matter.

Rejections Under 35 U.S.C. § 112

Claims 3 and 5-9 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that amendment of claim 3 to describe the Cu-Ag composition with the transitional phrase "comprising" is not supported by the original disclosure. Accordingly, Applicant has amended claim 3 to describe the Cu-Ag composition with the originally claimed transitional phrase "composed of."

The Examiner suggests that there is no support in the specification for using the transitional phrase "comprising" to describe the Cu-Ag composition in claim 6. Applicant asserts that claim 6, as filed in the response to the first Office Action, already described the Cu-Ag composition with the transitional phrase "composed of." Thus, Applicant believes that claim 6, as filed, is in a condition for allowance.

Accordingly, Applicant respectfully requests that the rejection of claims 3 and 6 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claim 8 is dependent on claim 6 and incorporates all of its limitations. As Applicant believes that claim 6 remains in a condition for allowance, Applicant requests that the rejection of claim 8 be withdrawn.

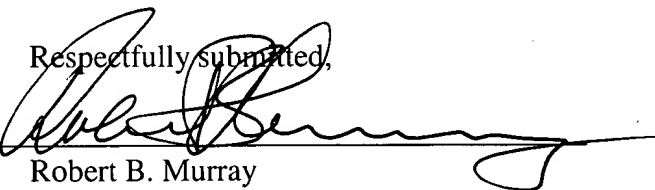
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The Examiner indicates that claim 5 is rejected under 35 U.S.C. § 112, first paragraph, for failing to provide support in the disclosure for the "workability of 40-76 %" limitation. Support for this limitation is found in the example in the specification on page 11, line 17 through page 12, line 4. This example describes the production of a rolled plate which starts out with a thickness of 21 mm and is subsequently worked to a thickness of 0.4 mm. Workability relates to the percentage reduction in thickness at each stage of rolling. Thus, this example illustrates the following workabilities: 50 % (21 mm to 10.5 mm); 40 % (10.5 mm to 6.3 mm); 76 % (6.3 mm to 1.5 mm); and 73 % (1.5 mm to 0.4 mm). It is apparent that the workability range in this example was 40-76 %. Applicant therefore asserts that the specification supports this limitation, and respectfully requests that the rejection of claim 5 be withdrawn.

Claims 7 and 9 are dependent on claim 5 and incorporate all of its limitations. Accordingly, as Applicant asserts that claim 5 is in a condition for allowance, Applicant respectfully requests that the rejection of these claims be withdrawn.

Claim 10 was withdrawn from consideration as being directed to a non-elected invention. Accordingly, claim 10 has been canceled without prejudice to the filing of a divisional application.

Applicant appreciates the indication of allowable subject matter in claims 3 and 6. As Applicant believes that all remaining claims are in a condition for allowance, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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